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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,065	08/31/2001	Rafael Joory	11788-003001	8689

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EXAMINER	
TIV, BACKHEAN	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/943,065	JOORY, RAFAEL	
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claims 1-44 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19, 23-41are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,838,918 issued to Prager et al.(Prager).

As per claim 1, 23 Prager teaches a storage system, comprising: first storage structure configured and arranged to store first application setup data derived from one or more software applications(col.6, lines 20-67); and second storage structure configured and arranged to store second application setup data obtained based on application setup data that are related by a second software application and that have been supplanted with one or more of the first application setup data(col.6, lines 50-col.7, lines 42).

As per claim 2,24, wherein the first software application and the second software application are distinct instances of a single software application(Abstract).

As per claim 3,25, wherein the first software application and the second

software application are different applications(Abstract, col.6, lines 20-67).

As per claim 4,26, wherein the first storage structure and the second storage structure are both accessible to a single computer(Fig.4).

As per claim 5,27, wherein the first storage structure is accessible to and the first software application is operable by a first computer system, and the second storage structure is accessible to and the second software application is operable by a destination application system that is distinct from the first computer system(Fig.4-6).

As per claim 6,28, wherein the second storage structure is storage on a server, and the second application setup data is stored on the server as a result of the second application setup data being supplanted by the first application setup data(Fig.4-12).

As per claim 7,29, further comprising a structure configured and arranged to store an affiliation between the first application setup data and an identity for which the first application setup data is applied to supplant the second application setup data(col.6, lines 50-col.7, lines 42).

As per claim 8,30, wherein the second application setup data is stored in the second storage structure before the application setup data is used to supplant the second application setup data (col.6, lines 50-col.7, lines 42).

As per claim 9,31, comprising a structure configured and arranged to store an association between the second application setup data and the first application setup data(col.6, lines 50-col.7, lines 42).

As per claim 10,32, wherein the first and second application setup data include user-customized application setup data(col.8, lines 34-50).

As per claim 11,33, wherein the first and second application setup data consist of user-customized application setup data(col.8, lines 34-50).

As per claim 12,34, wherein the second application setup data stored in the second storage structure includes a copy of application setup data from the destination application(Figs.4-8).

As per claim 13,35, wherein contents of the first and second storage structure are changed when the software application performed by the destination application no longer requires use of the first application setup data, as an updated version of the first application setup data is copied from the destination application to the first storage structure before the first application setup data on the destination application is replaced with the second application setup data from the second storage structure(Abstract, col.4, lines 58-col.5, lines 35).

As per claim 14,36, wherein the updated version of the first application setup data includes application setup that are customized by the user based on user preferences identified during performance of the software application by the destination application(col.8, lines 34-48, Fig.6).

As per claim 15,37,wherein the second application setup data stored in the second storage structure is obtained based on user-customized application setup data for the software application when the software application on the destination application that has been customized by a user(Fig.6).

As per claim 16,38, wherein the second application setup data stored in the second storage structure is derived from default application setup data for the software application when the software application on the destination application has not been customized by a user(col.8, lines 26-49).

As per claim 17,39, wherein the second application setup data stored in the to second storage structure includes application setup data for multiple software applications on which application setup data has been supplanted(col.7, lines 55-col.8, lines 25).

As per claim 18,40, wherein the first application setup data stored in the first storage structure and second application setup stored in the second storage structure for a single configuration setting data differ in format(Abstract).

As per claim 19,41, wherein the first application setup data stored in the first storage structure includes several sets of application setup data for a single application, at least one of which being downloaded to the application-driving destination application(Figs.4-12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 20-22, 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,838,918 issued to Prager et al.(Prager) in view of US Patent 6,889,246 issued to Kawamoto et al.(Kawamoto).

Prager teaches all the limitations of claims 1, and 23 however does not teach as per claim 20-22, 42-44, wherein the destination application is run on a portable device that has limited storage capacity, wherein the portable device is a cellular telephone, wherein the portable device is a handheld device.

Kawamoto teaches wherein the destination application is run on a portable device that has limited storage capacity, wherein the portable device is a cellular telephone, wherein the portable device is a handheld device(Fig.1, element 31, 112).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention to modify the teachings of Prager to use portable devices instead of computers as taught by Kawamoto in order to transmit information to someone who is not in the office or home.

One ordinary skilled in the art at the time of the invention would have been motivated to combine the teachings of Prager and Kawamoto in order to provide a system for a user to obtain information without being at home or the office.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9,12,13,17-19,23-31, 34,35,39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,425,126 issued to Branson et al.(Branson).

As per claim 1, 23 Branson teaches a storage system, comprising: first storage structure configured and arranged to store first application setup data derived from one or more software applications(Abstract); and second storage structure configured and arranged to store second application setup data obtained based on application setup data that are related by a second software application and that have been supplanted with one or more of the first application setup data(Abstract, col.5, lines 1-40).

As per claim 2,24, wherein the first software application and the second software application are distinct instances of a single software application(Abstract).

As per claim 3,25, wherein the first software application and the second software application are different applications(Abstract, col.2, lines 65-col.3, lines 25).

As per claim 4,26, wherein the first storage structure and the second storage structure are both accessible to a single computer(Fig.1).

As per claim 5,27, wherein the first storage structure is accessible to and

the first software application is operable by a first computer system, and the second storage structure is accessible to and the second software application is operable by a destination application system that is distinct from the first computer system(Fig.1-3).

As per claim 6,28, wherein the second storage structure is storage on a server, and the second application setup data is stored on the server as a result of the second application setup data being supplanted by the first application setup data(Abstract).

As per claim 7,29, further comprising a structure configured and arranged to store an affiliation between the first application setup data and an identity for which the first application setup data is applied to supplant the second application setup data(Abstract, col.3, lines 60-col.4, lines 30).

As per claim 8,30, wherein the second application setup data is stored in the second storage structure before the application setup data is used to supplant the second application setup data (Abstract, col.3, lines 60-col.4, lines 30).

As per claim 9,31, comprising a structure configured and arranged to store an association between the second application setup data and the first application setup data(Abstract, col.3, lines 60-col.4, lines 30).

As per claim 12,34, wherein the second application setup data stored in the second storage structure includes a copy of application setup data from the destination application(Abstract, col.3, lines 60-col.4, lines 30).

As per claim 13,35, wherein contents of the first and second storage structure are changed when the software application performed by the destination application no longer requires use of the first application setup data, as an updated version of the first application setup data is copied from the destination application to the first storage structure before the first application setup data on the destination application is replaced with the second application setup data from the second storage structure(Abstract,).

As per claim 17,39, wherein the second application setup data stored in the to second storage structure includes application setup data for multiple software applications on which application setup data has been supplanted(Fig.1-10).

As per claim 18,40, wherein the first application setup data stored in the first storage structure and second application setup stored in the second storage structure for a single configuration setting data differ in format(col.4, lines 45-67).

As per claim 19,41, wherein the first application setup data stored in the first storage structure includes several sets of application setup data for a single application, at least one of which being downloaded to the application-driving destination application(Figs.1-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10,11,14-16,32,33,36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,425,126 issued to Branson et al.(Branson) in view of US Patent 5,838,918 issued to Prager et al.(Prager).

Branson teaches all the limitations of claims 1 and 23 however does not teach user customized application setup data.

Prager teaches as per claim 10,32, wherein the first and second application setup data include user-customized application setup data(col.8, lines 34-50).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the teachings of Branson to include a user customized application setup data as taught by Prager in order for a to control what is to be installed on the computer.

One ordinary skilled in the art at the time of the invention would have been motivated to combine the teachings of Branson and Prager to provide a system for a user to customized the application to be installed on a computer.

As per claim 11,33, wherein the first and second application setup data consist of user-customized application setup data(Prager, col.8, lines 34-50). Motivation to combine set forth in claim 10.

As per claim 14,36, wherein the updated version of the first application setup data includes application setup that are customized by the user based on

user preferences identified during performance of the software application by the destination application(Prager, col.8, lines 34-48, Fig.6). Motivation to combine set forth in claim 10.

As per claim 15,37,wherein the second application setup data stored in the second storage structure is obtained based on user-customized application setup data for the software application when the software application on the destination application that has been customized by a user(Prager, Fig.6). Motivation to combine set forth in claim 10.

As per claim 16,38, wherein the second application setup data stored in the second storage structure is derived from default application setup data for the software application when the software application on the destination application has not been customized by a user(Prager, col.8, lines 26-49). Motivation to combine set forth in claim 10.

Claims 20-22, 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,425,126 issued to Branson et al.(Branson) in view of US Patent 6,889,246 issued to Kawamoto et al.(Kawamoto).

Branson teaches all the limitations of claims 1, and 23 however does not teach as per claim 20-22, 42-44, wherein the destination application is run on a portable device that has limited storage capacity, wherein the portable device is a cellular telephone, wherein the portable device is a handheld device.

Kawamoto teaches wherein the destination application is run on a

portable device that has limited storage capacity, wherein the portable device is a cellular telephone, wherein the portable device is a handheld device(Fig.1, element 31, 112).

Therefore it would have been obvious to one ordinary skilled in the art at the time the invention to modify the teachings of Branson to use portable devices instead of computers as taught by Kawamoto in order to transmit information to someone who is not in the office or home.

One ordinary skilled in the art at the time of the invention would have been motivated to combine the teachings of Branson and Kawamoto in order to provide a system for a user to obtain information without being at home or the office.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

On July 15, 2005, the Central FAX Number will change to 571-273-8300.

BT
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2151
7/7/05

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER